

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

CONSUMER FINANCIAL PROTECTION
BUREAU, et al.,

Plaintiffs,

Case No. 24-CV-40-EAW-MJR

v.

STRATFS, LLC (f/k/a STRATEGIC FINANCIAL
SOLUTIONS, LLC), et al.,

Defendants.

**SECURED LENDERS' MOTION FOR LEAVE TO FILE A RESPONSE TO
PLAINTIFFS' SUR-REPLY IN OPPOSITION TO SECURED LENDERS' MOTION TO
INTERVENE**

CIBC Bank USA (“CIBC”) and Valley National Bank, d/b/a Valley Bank (successor by merger with Bank Leumi USA, “Valley Bank”; collectively with CIBC, the “Secured Lenders”), by their attorneys, Dykema Gossett PLLC, respectfully submit this Motion for Leave to File a Response (“Secured Lenders’ Motion for Leave”) to Plaintiffs’ Sur-Reply in Opposition to Secured Lenders’ Motion to Intervene (“Sur-Reply”) (Dkt. 298). Having learned that their principal arguments, based on perfection of the Secured Lenders’ interests and the Federal Priority Statute, 31 U.S.C. § 3713, are incorrect, Plaintiffs seek to support a fallback constructive trust argument by claiming misstatements by Secured Lenders where none actually exist and by mischaracterizing the Compliance Assessments and Reviews (“Compliance Reviews”). Accordingly, Secured Lenders seek leave to file this response to address Plaintiff’s belated Sur-Reply arguments.

DATED: Chicago, Illinois
April 18, 2024

Respectfully submitted,

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